19[23]

G. S. 12

Department of Land Revenue & Settlement

OFFICE Board of Revenue

STATION Madras

B 172-7/23

No. Misc 1244

Dated 6.6.1923

A 2244/23

11-3 A.M.

L.R. 7.6.23

Urgent

Date	Initial
Given for copying	
Copied	
Examined	
Signed	
Given for despatch	
Despatched	
Indexed	
To be destroyed on	

To whom sent

Pages in the file

Proceedings dated 7/6 enclosed

(SUBJECT.)

Suit (S. Kanara) Puttur Dt. Munsiff. (O.S. No 79/28 — Estate Krishnayya deceased. Escheated Properly — Defence Sanctioned

* Not to be filled in the case of permanent records.

Back Paper.

Dis.	No.	Department. Series.	Date.	Dis	No.	Department. Series.	Date.

Further Papers.

Dis.	No.	Department. Series.	Date.	Dis.	No.	Department. Series.	Date.

B Min an B 1037/25
19-5-25

Ref.on No.V-3-1119-23. South Kanara Collector's office,

Camp Brahmavar, 27th May 1923.

From

G. W. Wells, Esquire, M.A., I.C.S., A2244

Collector of South Kanara.

To

The Secretary to the Board,

Land Revenue, Madras.

Suits - Puttur - District Munsif's Court - O.S.1923-79.

One Akkaya and 2 others have filed the above suit ---- against Government for a decree and judgment directing the -- Defendant (Government) to surrender to the Plaintiffs the ---- properties S.Nos.240/1.2.3.5.9.10.11 of Aletti village.

2. These properties belonged to Krishnaya and were --- declared Escheat in G.O. No.1240 dated 6th May 1909 communicated with B.P. No.1677 Mis. dated 2nd June 1909. Government obtained possession of them on 3rd September 1910 from - Narnappa Kamthi's heir after paying him Rs.908/- sanctioned - in G.O. No.3486 Mis. dated 18th December 1909 communicated -- with B.P. No.4241 Mis. dated 23rd December 1909.

3. The 1st Plaintiff claims to be the daughter of the last male holder, Krishnaya's sister, Kunniakke. The 2nd & 3rd Plaintiffs are her sons.

4. On behalf of the 2nd & 3rd Plaintiffs their father sent a suit notice in 1921 putting forward this same relation -ship. An enquiry was held by the Tahsildar into this ------ relationship. At first ten persons were examined and all of them stated that the Plaintiffs were heirs of the last male - holder. They were subsequently cross-examined when they --- made conflicting and inconsistent statements. He further -- examined 4 more persons one of whom a Muhammadan aged 65 years stated that he had not heard the existence of a sister called Kunniakke to Krishnaya. The Government Pleader, Mangalore - who was consulted in the matter stated that the statements of

the several witnesses examined during the Revenue enquiry was inconclusive and quite insufficient to prove the alleged relationship. He was of opinion that the several contradictions and inconsistencies in the said evidence strongly led one to suspect that the relationship set up was the result of an --- after-thought. The suit notice was therefore recorded.

5. In the original escheat enquiry of 1907 prior to -- declaring the properties escheat Rukmini, the widow of the -- last male holder had stated that there were no heirs to the - last male holder. Her statement was supported by the family pedigree of the last male holder, given in her father ------- Narnappa Kamthi's statement dated 30th September 1907 in the said original enquiry. I propose to file these statements -- and also to summon the Muhammadan witness referred to in para 4 above.

6. I request that the Board may be pleased to sanction the defence of the suit and to approve the enclosed draft --- written statement prepared by the Vakil usually employed on - behalf of Government at Puttur and passed by the Government - Pleader, Mangalore.

7. The records noted in the margin are enclosed.

1. Copy of plaint.
2. Dis file 91 D/Rev.08 of Uppinangadi Taluk office.
3. Dis file 874-21 D dated 12th January 1922 of this office.

8. The copy of - plaint dated 5th ---- February 1923 was --- received in this ---- office on 19th ------ February 1923. The case stands posted to 11th June 1923 for hearing.

29.5.23

For Collector.

29.5.23.

29.5.23

M.D'S.29/5.

Date of hearing 11-6-23 3

R. F. XXII-A-19—21,580—12-16.

Subject.—

FOR MEMBER

S. Smts (S Kanara) Puttur Dt. Munsiff - O.S. no 79/23 - Kushmaze Deceased - Escheated properties -

READ AGAIN B.P., No. _____ dated _____ 191

" " " _____ " _____ 191

READ ALSO :

Register No. A 2246/23 From the _____, No. _____, dated _____ 191

" " _____ " " _____ " _____ 191 .

" " _____ " " _____ " _____ 191 .

4 40 PM W.J. 1-6-23

RESOLUTION. A No. 2246-23-1, dated 1-6- 1923

The Collector is requested to submit at once Copies of the plaint and written Statement with the records. They were not rec'd

~~2 The Collector is requested to obtain the~~ necessary adjournment with his letter. A short adjt. may be obtained if req.

for CPO

1 VI 23

1-6-23 for HO

To The Collr S. Kanara.

dsrd 1/6.

S. Kanara Collector's

Enclosures to Ref: on
No V3- 1119-23. to the
Secretary to the Board
Land Revenue.
Madras.

To be sent by (reg.)
post.

29.5.'23

Under section 26 of the C.P.C.

In the Court of the District Munsiff of Puttur.

O.S.No.79/1923.

Plaintiffs.1. Akkaya sister of Krishnaya.

2. Ramaya.) minors by next friend 1st Plaintiff.
) Reside in Kedamaloor village of Bappenada
3. Keshwa.) Coorg District.

Address for service is the same.

Defendant. The Secretary of State for India in Council.

Date 5.2.1923.

1. The property mentioned below belonged to the maternal -- uncle of the 1st Plaintiff Krishnaya by name and the last male holder of the said property.

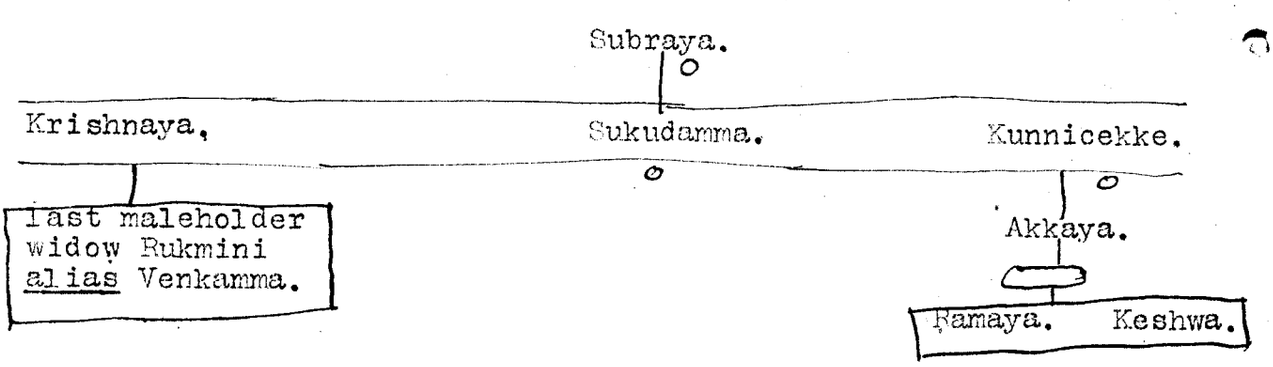
2. The said Krishnaya died some time back leaving behind -- him his widow Rukmini alias Venkamma. The said widow also --- died subsequently in her father's house.

3. In the meantime the said widow had contracted some debts for no purpose and for no necessity and the property was being enjoyed by her father.

4. The 1st Plaintiff was living in Coorg District in her -- husband's house since her marriage and so she could not know -- theaffairs here.

5. Meanwhile the said widow died and it appears escheat --- proceedings were taken for the property by the Defendant and -- took posession of the same saying that the last male holder had no heirs left behind him.

6. The last male holder belonged to the ordinary Mithakshara law and in the absence of any direct heirs to the last male --- holder, the 1st Plaintiff and her sons come in as heirs to the property as bandhus. The genealogy showing the relationship - of the Plaintiffs to the last male holder is shown below:-



7. The Defendant has no right to take possession of the -- property in the presence of Plaintiffs as heirs to the property and the Plaintiff accordingly sent a lawyer's notice through -- the father of Plaintiffs 2 and 3 demanding the property and --- Defendant did not deliver the same. Hence the suit. The --- Plaintiffs reserve the right to sue for mesne profits and now sue only for possession of the property. There was a mortgage of Rs.300 only to one Govinda Naika which the Plaintiffs admit.

8. The cause of action arose in 1916 in Aletti village when the Plaintiffs came to know of the escheat proceedings.

9. The Plaintiffs value the suit at Rs.446-14-0 for purposes of Court fees and jurisdiction.

10. The Plaintiffs therefore pray for a decree and judgment - against Defendant directing (1) that the property mentioned below may be ordered to be delivered to the Plaintiffs free from the -- objections of the Defendant, the value of the said relief at ---- 10 times the assessment of Rs.44-11-0. Rs.446-14-0.

The cost of suit and future mesne profits at Rs.150 per - year from this date till delivery and such other relief as the -- Court deems fit to grant.

Description of property.

S.Nos. $\frac{240}{1.2.3.5.9.10.11}$ of Aletti village, Sullia Magane in the Sullia Sub District consisting of bail, majlu, bettu and garden plots measuring Acres 7.25 and assessed at Rs.44-11-0.

The original plaint has been verified by the Plaintiff and it bears the signatures of the Plaintiff and his Vakil ---- K. Raghunatha Rau.

~~Sd/ K. Raghunatha Rao~~,

~~Pleader for Plaintiff.~~

(True Copy)

In the District Munsiff's Court of Puttur.

O.S.No. 79 of 1923.

Between

Akkaya and two others — Plaintiffs.

Vs.

The Secretary of State for India in Council. — Defendant.

The written statement of the Defendant under Order VIII Rule 1 of the Civil Procedure Code.

The above named Defendant states as follows:-

1. The Plaintiffs' suit is unjust and not sustainable at law.

2. The Defendant admits that one Krishnayya was the last male owner of the plaint-mentioned property and that, after the death of his widow, Venkamma alias Rukmini, the -- property was escheated to Government, but denies that the -- said Krishnayya was the maternal uncle of the 1st Plaintiff and that the Plaintiffs are, in any way, entitled to inherit the property left by him.

3. The Defendant further denies that the said ------- Krishnayya had left any heirs at all except his widow, ----- Venkamma alias Rukmini, nor does he admit the correctness -- of the genealogy mentioned in the plaint.

4. The Defendant also denies all the other allegations in the plaint which are not expressly admitted herein and puts the Plaintiffs to strict proof of them.

5. In any event, the Plaintiffs cannot recover the -- property before making good to Government a sum of Rs.908/- over and above the mesne profits realised by Narnappa Kamthi. This amount was paid to him in discharge of a valid mortgage debt charged on the property and the value of the improvements effected thereon.

6. The suit is also barred by the law of limitation - (Act IX of 1908).

7. The Defendant, therefore, prays that the suit may

be dismissed with costs.

/True Copy/

For Collector.

29/-

29-5-'23

M.D'S.29/5.

11/2

Br no. 1244 d 6.6.23 is submitted for perusal

8.6.23

Sun
12.6.23

R, F, XXII-A-19—21,580—12-16.

Subject.—

FOR MEMBER

15 S N2 - after issue.

Suits (S. Kanara) Puttur Dt. Munsiff - O.S. no 79/23 - Alelli - Krishnayya deceased - Escheated property - Defence Sanctioned

READ AGAIN B.P., No. _____ dated _____ 191 .

" " " _____ " _____ 191 .

READ ALSO ;

Register No. A 2244/23 From the _____, No. Q, dated _____ 191 .

" " _____ " " _____ " _____ 191 .

" " _____ " " _____ " _____ " _____ 191 .

RESOLUTION. Nic No. 1244, dated 6.6 1923 ~~191~~

The Board Sanctions the defence of the Suit and Approves the draft W.S.

L.
6 VI 23.

5-6-23 Jr. 6/6/23

To The Collector S. Kanara with records - Appeal.

Pl. ask Secretary

The Evidence in this Case is not quite clear but it is Submitted Govt have made out a prima facie Case for Escheat. It is an impossible feat to prove the absence of every heir, Specially Under the Hindu Law

The st of the widow at the time of the death that there were no other heirs or plt. is good enough.

L.
6 VI

5.6.23